



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Confirmation No.: 6932

UEMURA

Group Art Unit: 2813

Appln. No.: 09/900,980

Examiner: Schillinger, Laura M.

Filed: July 10, 2001

Title: GROUP III NITRIDE COMPOUND SEMICONDUCTOR
LIGHT-EMITTING DEVICE

April 19, 2002

* * * *

**REQUEST FOR NEW OFFICE ACTION AND RESTARTING
OF THE PERIOD FOR REPLY UNDER MPEP §710.06**

Hon. Commissioner of Patents
Washington, DC 20231

Sir:

In accordance with MPEP §710.06, Applicant respectfully requests the issuance of a new Office Action and a restarting of the period for reply in the above-identified application.

The above-identified application was filed on July 10, 2001. A copy of the PTO date-stamped postcard receipt is enclosed. As indicated on the postcard receipt, the application included 21 pages of specification and claims, 11 numbered claims and 4 pages of drawing figures. As also indicated on the postcard receipt, an Information Disclosure Statement (IDS) including a PTO-1449, the cited references on the PTO-1449 and a copy of related co-pending U.S. Application 09/845,336 were also filed with the application on July 10, 2001. The copy of co-pending related Application 09/845,336 included 41 pages of specification and claims, 14 claims and 7 pages of drawing figures.

The undersigned received an Office Action dated March 20, 2002, which appears intended for the above-identified application. However, upon review of the Office Action, it appears that the Office Action is directed to the 14 claims of co-pending related Application 09/845,336. In a telephone conference with Examiner Schillinger, the undersigned indicated

#5/Ltr re
Office action
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that Applicant intended to have the above-identified application, including its 11 claims examined and related co-pending Application 09/845,336 considered as material information submitted under Rules 56, 97 and 98. The undersigned agreed to prepare and file the instant communication to request withdrawal of the Office Action and issuance of a new Office Action and restarting of the period for reply.

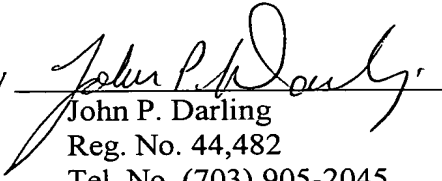
The undersigned also respectfully requests that the Office Action dated March 8, 2002 entered in the above-identified application be stricken from the record. As Applicant has already received an Office Action on the merits of co-pending related Application 09/845,336 from Examiner Andy Huynh of Art Unit 2818 dated January 31, 2002, the undersigned respectfully submits that the March 8, 2002 Office Action mailed by Examiner Schillinger is in conflict with the Office Action mailed January 31, 2002 by Examiner Huynh and Applicant respectfully submits that Applicant is under no burden or obligation to respond to the March 8, 2002 Office Action.

The undersigned also respectfully request that Examiner Schillinger be granted the proper amount of administrative non-examining time necessary to conduct a search and examination of claims 1-11 of the above-identified application originally intended by the filing of the application on July 10, 2001.

Respectfully submitted,

PILLSBURY WINTHROP L.L.P.

By


John P. Darling
Reg. No. 44,482
Tel. No. (703) 905-2045
Fax No. (703) 905-2500

JPD:tmt

Attachment:

July 10, 2001 date-stamped receipt

1500 Tysons Boulevard
McLean, VA 22102
(703) 905-2000

Inventor(s): UEMURA

Appl. No.: 09

Series Code ↑

900,980

Serial No. ↑

Filed: July 10, 2001

Hon. Commissioner of Patents
Washington, D.C. 20231

Group Art Unit 813

Examiner: Schillinger, Laura M.

Atty. Dkt. P 281542 T36-135083M/KOH

M#

Client Ref

Appl. Title: GROUP III NITRIDE COMPOUND
SEMICONDUCTOR LIGHT-EMITTING
DEVICE

Sir:

REPLY/AMENDMENT/LETTER

Date: April 19, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim A. <input checked="" type="checkbox"/> NOT made B. <input type="checkbox"/> Withdrawn C. <input type="checkbox"/> made herewith D. <input type="checkbox"/> made previously For B & C See Required Separate Paper (Pat-256)		Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims		11	**minus 20	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims		3	***minus 3	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)						+ \$280/\$140 =	+ \$0 104/204
5. Original due Date:		<input checked="" type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo)	\$110/\$55 =				115/215
		(2 mos)	\$400/\$200 =		+ \$0		116/216
		(3 mos)	\$920/\$460 =				117/217
		(Usable only for ≤ 2mo.OA --- 4 mos)	\$1,440/\$720 =				118/218
		(Usable only for 30 day/1mo.OA --- 5 mos)	\$1,960/\$980 =				128/228
7. Enter any previous extension fee paid since above original due date and subtract					- \$0		
8. Extension Fee Attached						+ \$0	
9. If Terminal Disclaimer attached, add Rule 20(d) official fee						+ \$110/\$55	+ \$0 148/248
10. If IDS attached requires Official Fee under Rule 97 (c),						+ \$180	+ \$0 126
or if Rule 97(d) Request						+ \$180	+ \$0 126
11. After-Final Request Fee per rules 129(a) and 17(r)						+ \$740/370	+ \$0 146/246
12. No. of additional inventions for examination per Rule 129(b).....						x \$740/370 ea	+ \$0 149/249
13. Request for Continued Examination (RCE)						+ \$740/370	+ \$0 1179/1279
14. Petition fee for						+ \$0	

TOTAL FEE ENCLOSED = \$0

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15. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

16. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

17. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

APR 22 2002

Our Deposit Account No. 03-3975)

(Our Order No. 51273

C#

281542

M#

Technology Center 2600

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

1600 Tysons Boulevard

McLean, VA 22102

Tel: (703) 905-2000

Pillsbury Winthrop LLP
Intellectual Property Group

By Atty: John P. Darling

Sig:

Reg. No. 44,482

Fax: (703) 905-2500

Tel: (703) 905-2045

Atty/Sec: JPD/tmt

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments